(43)

Previous references.

~~J.J.~~ 130 of 1903-04,

File No. 82 of 1904-05

190 4

(III - Courts.)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 4

PART B FOR September 1904,

SUBJECT.

Delivery of Safe Party to Judgment debtor Subject-No. 33 of the Representative Assembly Proceedings for 1903.

P.T.O

FILE No. 82 of 1904-05.

Delivery of jafty patty to the judgment-debtor, subject No. 33 of the Representative Assembly Proceedings for 1903.

1 From the Registrar of the Chief Court, No. 166—14, dated the 11th July 1904.
States with reference to this office No. 2180-J. of the 11th April 1904, that the question of delivering jafty patty to the judgment-debtor will be considered by the Chief Court if the reasons are stated.

2 To the Registrar, Chief Court, No. 318, dated the 8th August 1904.
Enquires why copy of jafty patty should not be given to the judgment-debtor, when in analogous cases under Criminal and Municipal Laws it is given to owners of articles attached or seized, and suggests the issue of a rule of practice, if need be, in the matter.

3 From the Registrar of the Chief Court, No. 1322—81, dated the 26th August 1904.
States that it is proposed to issue a rule of practice on the subject to regulate the practice of Civil Courts, and adds that the rule will apply to all cases in which moveable property is attached both in execution of decrees as well as before judgment.
[Enclosure Draft Rule of Practice].

4 To the Registrar of the Chief Court, No. J. 704—C. 82-4, dated the 9th September 1904.
States that the Government agree with the Chief Court in their proposal to issue a rule of practice as proposed.

To the Assistant Secretary in charge of the Representative Assembly Report Section, No. J. 705, dated the 9th September 1904.
Forwards copy of Serial No. 4.

J. F. No. 130 of 03-04.

G.R.S. 12]

Subject: "Delivery of Jaffa Patty" to the Judgment Debtor.

General and Revenue Secretariat.

File No. 82/13 of 1903-04

Serial No. 1

Office work "Delivery of Jaffa Patty to Judgment Debtor"

From the Registrar, Chief Court No. 166/16 dated the 11th July 1904

States that the question of Delivering Jaffa Patty to the judgment debtor will be considered if the reasons are stated

1 This is a reply to this office No 2180/J of the 11th April 1904. when the Registrar was requested to submit to the Judges of the Chief Court for such action as they may deem desirable the representation No. 33/1 of the Board Proc. of 1903. viz that cases of Jaffa Patty may be ordered to be delivered to the judgment debtor subject also with a short pending

2 Is there no report of the discussion at the Legr. Assembly?

Let me see the published report

3 Does not throw any light on the reasons for the representation.

4. Perhaps Mr S. A. Balakrishna Iyer the member who raised the question may be

NOTE—Contn. sheet.

MGCPB—10 000—19-5-04

General and Revenue Secretariat.

File No. 82 of 1904-05

Serial No.

Asked (thro' the Dy Com^r Shimoga) to submit his reasons at length in writing, as the Question reserved for further discussion at the next Assembly
J. D. Lewin thro' I.S.T.C.
28/7/04

176-
28.7.04

5 2 Dait understand the subject No 54 relates to Village Sanitation Rules. Perhaps No 33 (Jaffi Patte) was meant. If I remember right the discussion at the Assembly, Mr Balakrishna Rao urged that malversation was possible unless the persons concerned could be officially placed in possession of information of what was being done.

Com. ar 4

6/ To be seen & clear the 29-7-04
double & correct the draft & return them
29.7.1904

6/29/7/04

The 54 & the No. of the subjects according to the Copy of General Subjects, that were brought forward for discussion at the last Dasara Rep. Assembly & 33 & the no proven

G.R.S. 12]

General and Revenue Secretariat.

File No. 82 of 1904-05.

Serial No.

to the subjects in the Schedule of the subjects discussed at the Representative Assembly. The Draft was prepared at the Germans Home office and they have given the former a Property, the latter number should have been given the draft will be corrected accordingly

8. Section 236 of the Civil Procedure Code has at last removed an ambiguity which is made for the attachment of any moveable property belonging to the judgment debtor. The decree holder should annex to the application an inventory of the property to be attached containing a reasonably accurate description of the same, but this is only to be given into the Court and applies to property not in the possession of the judgment debtor.

3/8/04 3-8-04

9. I have now had up

NOTE—Contn. sheet.

MGCPB—10,000—19-5-04

G.R.S., 127

General and Revenue Secretariat.

File No. 82 of 1904-05.

Serial No.

a copy- explaining the reasons for the reflection made by the Rep Member.

4

3 Dec 4

10. Thanks - It is lapsed

6. 8. 1904

2. To the Registrar, Chief Court, No. 318, d/8.8.04.

Enquiries why in the case of Jaffirpatti ~~offg~~ should not be given to the judgment debtor, when in analogous cases under criminal and Civil laws it is given to owners of articles attached & seized, and suggests the issue of a rule of practice, if need be, on the matter.

3 From the Registrar of the Chief Court, No. 1322/87 Dated the 26th August 1904

States that it is proposed to issue a rule of practice on the subject to regulate the practice of the civil courts; and adds that the rule will apply to all cases in which moveable property is attached, both in execution of decree as well as before judgment and encloses the draft of the rule of practice proposed to be issued.

NOTE—Contn. sheet.

MGCPB—10 000—19-5-01

G.R.S. 12]

General and Revenue Secretariat.

File No. 82 of 1904-05.

Serial No.

11 The Chief Court may from time to time under Sec 652 of the Civil Procedure Code, make rules consistent with the Code to regulate any matter connected with its own procedure or the procedure of the Civil Courts of Civil Jurisdiction subordinate to it. Subject to its superintendence. Such rules shall be published in the Gazette & have the force of law.

Flag V Page III

12 Submitted with a draft approving of the rule proposed

Records B 9-9-04

2/9/04 2.9.04

13 Under Section 652 of the Civil Procedure Code the Sanction of the Govt to any rule or rules framed by the Chief Court is clearly needless. In one sense the rule in point relates to "the procedure of the Courts of Civil Judicature subject to the superintendence of the Chief Court. Hence the rule falls under Section 652 of the Civil Proc code.

14 The Sanction of Govt is necessary in the

NOTE—Contn. sheet.

MGCPB—10,000—19-5-04

G.R.S. 12]

General and Revenue Secretariat.

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Case of rules proposed by the Chief Court under sections 19 & 20 of the Chief Court Regulation No I of 1884. (Please see Section 21 thereof). Though the present rule would appear to come within the terms of clause (a) of Section 20, it would directly fall under Sec 652 of the Civil Pro Code

Rule work put up books of reference when submitting this to Secretary

Done 3/9

15 Hence an alternative draft, Sanctioning the rule in question or recording the Chief Court letter, is put up for approval.

Secy) Done as usual 3/9

16 It may be added that the Chief Court do not ask for Sanction but signify their intention to pass the rule in question.

Secy) Done as usual 3/9

17 I think we may issue the draft. It has been made by me to suit both views.

Done 3/9 Submitted to the Dewan Sahib thro' the Ist Councillor 3.9.1904

482/9/04

18 In my opinion, both the Rule of prac-

MGCPB—10,000—19-5-04

General and Revenue Secretariat.

File No. 82 of 1904-05

Serial No.

the Order of Govt., proposed, are suitable and may be approved. Vouchers of the kind asked for have been provided for in General Enactments. The making of a similar provision in regard to attachments under Civil Process, does not seem to be inconsistent with the Civil Procedure Code and according comes within the province of a Rule of Practice. C.

Draw 8/9

5/9/1 1405 6/9 1904

4-9-04

19. The Dewan has also approved the draft. Draw Draw 8/9

4 To the Registrar, Chief Court, No. J 704 C.82.6 dt 9/9/04

States that the Govt. agree with the Chief Court in their proposal to issue a rule of practice.

To the Addl. Secretary & Rep. Govt's Report Section No. J 705 C.82.6 dt 9/9/04

Forwards copy of the above

MGCPB—10,000—19-5-04

No 166/14

R No 1 Jdl No 82 of 1904 - J/103.

Bangalore.
11th July 1904.

From

V.A Rajaratna Mudaliar Esqre
Registrar Chief Court of Mysore.

To

E. K. Venkata Varada Iyengar Esqre
Secretary to the Govt of Mysore,
Gen: and Rev: Departments.

Sir,

With reference to your No 2180/J dated the 15th April 1904 in re subject No 33 ~~34~~ of the D. R. A. 1903 — Copy of the Jaffly patti may be ordered to be delivered to the Judgment debtor — I am directed to state that the matter will be considered, if the reasons are stated.

I have the honor to be,
Sir,
Your most obedient servant;

V Rajaratnam
Registrar

Mm

No: 818-(1300/03-4) dt 8/8/04.

The Registrar of the Chief Court
of Mysore.

Sir,

I am directed to acknowledge the receipt of your letter No.166/14 dated the 11th July 1904, in regard to subject No. 33 of the Representative Assembly's Proceedings of 1903, anent delivery of a copy of the Jafti patti to the judgment debtor; and in reply to state as follows:

2. The Civil Procedure Code does not in terms provide for the judgment debtor being furnished with a copy of the inventory of articles attached in execution of a decree, though other laws provide for this being done in analogous circumstances. Thus under section 103 (3) of the Code of Criminal Procedure the occupant of a place searched or his representative is entitled on demand to be furnished with a copy of the list of articles seized in the course of the search and there are provisions in most Municipal laws (among which may be mentioned the Madras District Municiplaities Act, IV of 1884, the Bombay District Municipal Act III of 1901, and the Draft Mysore Municipal Regulation now before Government) for furnishing a defaulter

with

with a copy of the inventory of the properties distrained in satisfaction of ar rears of Municipal taxes. The reason for such a provision is evidently to afford a reasonable voucher to the owner of the property seized, without which he will not be in a position to know fully what articles have been taken possession of, and to guard against misappropriation of them without the owner being in a position to prevent the same.

3. With these observations I am desired to ask you to kindly place the subject against before the Chief Court for their consideration with a view to the want brought to notice being remedied, if need be by a Rule of Practice.

I have &c,

6.8.1904

Secretary.

6/8/04

Copd. W.H.R. 6-8-04.

Exmd; W.L. 6-8-04

N 1322/81 Inv. 1

8 R.C. 3
File No. 82 of 04-05

J 504

4.

Bangalore, 26th August 1904

From,

V. A. Rajagopalacharlu Moodeliar Esquire,
Registrar, Chief Court of Mysore,

To,

B. K. Venkatavaradarajaier Esquire,
Secretary to the Government of Mysore,
General & Revenue Depts

Sir,

With reference to your letter No 318-(130.4/1903.4) dated the 8 instant in re delivery of a copy of the Jagti patte of attached property, I am directed to state that it is proposed to frame the enclosed Rule of Practice to regulate the practice of the Civil Courts - The Rule will apply to all cases in which moveable property is attached, both in execution of decrees as well as before Judgment

I have the honor to be
Sir
Your most obedient Servant

V. A. Rajagopalacharlu

Registrar

Nilu

In the Chief Court of Mysore

Civil Side

Rule of Practice 120 dated 6th August 1904.

No 5 V
Page 111

Under Section 652 of the Code of Civil Procedure, the following rule is issued by the Chief Court for regulating the practice of the Civil Courts

When moveable property is attached in execution of any Civil process, the attaching officer shall give a copy of the list of the attached property to the person (in whose possession the property is attached at the time of attachment) or if he is not present, then to any adult male member of the household of such person who is present, or if none is present shall affix it to the outer door of the house of such person, and shall note on the list despatched or brought to the Court (which has) issued the process, the mode in which the copy of the list has been delivered or affixed.

D Rajaratnamma
Registrar.

Mite

G.R.S. 28]

Court Affairs

File No. 82

Serial No. 6

Diary No. of letter replied to

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT
(Court 5)

, the 9/9/04 190

Date of issue 9/9/04

Signed by

Approved
4/9/04

READ.—

Docket No. 2180 dated the 11th April 1904 to the Registrar of the Chief Court of Mysore, requesting him to submit to the judges of the chief court for such action as they may deem desirable, subject No. 33 of the Representative Assembly Proceedings for 1903, representing that Copies of the judgments may be ordered to be delivered to judgment debtors.

2. Correspondence ending with letter No. 1322/87 dated the 26th August over 1904

SUBJECT

9

1904. from the Registrar of the Chief Court of Mysore enclosing a Draft of the following rule of practice proposed to be issued by the Chief Court to regulate the practice of the Civil Courts in all Cases in which movable properties are attached.

[Text omitted: the rule of practice]

Order thereon:— No. J/705 / C. 82-4 8/9/04

The Government agree with the Chief Court in their proposal to issue a rule of practice as proposed.

5.9.1904

Secretary.

6.IX.04

8.9.1904

To The Registrar, Chief Court of Mysore

Copy to the Asst Secretary in charge of the Separate Section for Report Section

No. J/705 / C. 82-4 Cypd: 8-9-04 8/9/04

By order Examd: 8-9-04

Secretary